IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 16TH OCTOBER 2006 / 24TH ASWINA 1928

Bail Appl..No. 6093 of 2006

CMP.6360/2006 of J.M.F.C.-II, KOLLAM
CRIME NO.579/2006 OF KOTTIYAM POLICE STATION

PETITIONER/7TH ACCUSED

BIJU, S/O.ARJUNAN, AJUBHAVANIL,
NEAR READING ROOM, VENPALAKKARA,
THAZHATHU CHERI, ERAVIPURAM VILLAGE.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(REPRESENTING THE SUB INSPECTOR OF POLICE,
KOTTIYAM POLICE STATION IN KOLLAM DISTRICT).

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6093/2006

DATED THIS THE 16TH DAY OF OCTOBER, 2006

O R D E R

The petitioner, the seventh accused, in crime No.579/2006 of Kottiyam Police Station, is before this Court under Section 439 Cr.P.C., as he is in judicial custody from 25.9.2006, for the offence punishable under Sections 143, 147, 148, 450, 324, 326, 307, 427, 341, 506 (ii) and 120B IPC read with Section 149 IPC.

2. I heard the elaborate arguments advanced by the learned counsel for the petitioner. It is submitted that accused Nos. 2 and 3 had already been granted bail. The learned Public Prosecutor submitted that the Investigating Officer had appeared before him, to take steps to cancel the bail, granted to those accused. It is also further submitted by the prosecution that the occurrence took place, because of the rivalry between the two factions of the locality and if the petitioner is released on bail at this stage, it would affect the law and order situation of the

area. Further submission is that there is an application posted to 25th and this matter may also be posted on the same day.

3. But the counsel for the petitioner submitted that because of the granting of bail to accused Nos. 2 and 3 and the pendency of this matter, it would be against the natural justice and that the seventh accused is in jail from 25.9.2006.

4. After hearing both sides, I am of the opinion that granting of the bail to the petitioner would be against the interest of the prosecution, particularly when the learned Public Prosecutor submits that the prosecution is taking steps to cancel the bail, granted to accused Nos. 2 and 3.

In such circumstances, the prayer under Section 439 Cr.P.C., is dismissed.

J.M.JAMES
JUDGE

mrcs